



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,761	04/10/2001	Thomas E. Chefalas	YOR920010015US1	9588

35526 7590 06/22/2005

DUKE. W. YEE  
YEE & ASSOCIATES, P.C.  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
----------	--------------

2135

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/829,761

Applicant(s)

CHEFALAS ET AL.

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-4, 10-12, 16, 17, 20-22, 26, 27, 30-32, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 10-12, 16-17, 20-22, 26-27, 30-32, 36-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/31/05</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2135

### DETAILED ACTION

1. Please note that the application has been redocketed to a different examiner. Please refer all future communications regarding this application to the examiner of record, using the information supplied in the final section of the office action.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10,20,30 are rejected under 35 U.S.C. 102(b) as being anticipated by Conklin et al.(US 5,991,881).

Claims 10,20,30: Conklin disclose receiving at a bait server a request to perform a function on the bait server and identifying an offending system which the request originated in (col.6,lines 10-19). Conklin disclose alerting a local server that a virus is in progress and of the identity of the offending system and disconnecting the offending system from the network in (col.6,lines 34-43;col.7,lines 55-61).

Claims 2-4: Conklin disclose not publishing the bait server's address to the network in (col.1,lines 66-7).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-12,16,21,22,26-27,31,32,36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al(US 5,991,881).

Claims 16,26,36: Conklin disclose receiving at a bait server a request to perform a function on the bait server and identifying an offending system which the request originated in (col.6,lines 10-19). Conklin disclose publishing the bait server's address to the network in (col.1,lines 66-7). Conklin disclose alerting a local server that a virus is in progress and of the identity of the offending system and disconnecting the offending system from the network in (col.6,lines 34-43;col.7,lines 55-61). Conklin does not specifically disclose prior to disconnecting the offending system, notifying the offending system that it is infected with a virus. It would have been obvious to person of ordinary skill in the art to modify the invention of Conklin to prior to disconnecting the offending system, notifying the offending system that it is infected with a virus in order to prevent virus from spreading system to system so that offending system can be disinfected before reconnecting to the network thus allowing network to run virus free. Further, directing all devices to ignore a communication requests from offending system would have been obvious in order to stop any virus from entering the network.

Claims 11-12,17,21,22,27,31,32,37: Conklin does not specifically disclose prior to disconnecting the offending system, notifying the offending system that it is infected with a virus. It would have been obvious to person of ordinary skill in the art to modify the invention of Conklin to prior to disconnecting the offending system, notifying the offending system that it is infected with a virus in order to prevent virus from spreading system to system so that offending system can be disinfected before reconnecting to the network thus allowing system to run virus free. Conklin does not specifically disclose prior to disconnecting the offending system, notifying the offending system that it is infected with a virus. It would have been obvious to person of ordinary skill in the art to modify the invention of Conklin to prior to disconnecting the offending

Art Unit: 2135

system, notifying the offending system that it is infected with a virus in order to prevent virus from spreading system to system so that offending system can be disinfected before reconnecting to the network thus allowing system to run virus free.

***Response to Applicant's Arguments***

4. The previous grounds of rejection based on the Arnold, Serverwatch and Kim references are withdrawn in view of Applicant's arguments in the Amendment filed on 4/13/05. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above.


***USPTO Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS

  
Hosuk Song  
Primary Examiner  
Art Unit 2135